THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 20279 of 2005

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Dated:29.09.2005

Between:

Desam Venkateswara Reddy, S/o. Chinnarami Reddy,
Sannampadu Village, G. Kondur (M), Krishna District.

..... PETITIONER

AND

The Special Deputy Collector, and Competent Authority,

(Land Acquisition) Gas Authority of India Ltd.,
G. Kondur, Vijayawada, Krishna District.

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 20279 of 2005

ORDER:

The Gas Authority of India Limited (GAIL) laid a pipeline through the lands of the petitioner in Survey No.160/1B2 admeasuring 0.65 cents of Sunnampadu Village, G.Kondur Mandal, Krishna District. It appears, the respondent determined the damage caused by GAIL in laying down the pipeline and paid a compensation of Rs.86,635/- to the petitioner by proceedings dated 17.02.2003. In this writ petition, the petitioner seeks a direction to the respondent to refer the award to the Civil Court for enhancement of the compensation. The petitioner alleges that his representations dated 15.06.2005 and 27.06.2005 made to the respondent were not disposed of.

As per the provisions of the Petroleum and Minerals Pipelines (Acquisition of Right

of User in Land) Act, 1962 (for short 'the Act'), it shall be competent for any person authorized by the Central Government or the State Government to enter upon the land and lay pipelines. Any person, who is interested in land, may file objections within 21 days from the date of receipt of the notice under Section 3(1) of the Act. Section 10 of the Act provides for payment of compensation for any damage, loss or injuries sustained by any person by laying down the pipelines. If a person is not satisfied with the compensation sanctioned by the competent authority, he is given a right under Section 10(2) of the Act to approach the District Judge for proper determination of the amount.

In this case, admittedly, the petitioner was paid compensation in February 2003, and the petitioner did not avail the remedy under Section 10(2) of the Act. If so advised, the petitioner may do so, subject to the Law of Limitation. The writ petition, for Mandamus to the respondent to refer the matter to the Civil Court, is misconceived. As per Section 10(2) of the Act, any person or the competent authority can move the District Judge without any reference by any authority.

The writ petition, subject to above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

29.09.2005

vs